

ESTTA Tracking number: **ESTTA571226**

Filing date: **11/15/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Omaha Steaks International, Inc.
Granted to Date of previous extension	11/16/2013
Address	11030 "O" Street Omaha, NE 68137 UNITED STATES
Attorney information	Nancy T. Morris Reg. No. 42,017 STINSON MORRISON HECKER LLP 1201 Walnut Street, Suite 2900 KANSAS CITY, MO 64106-2150 UNITED STATES trademark@stinson.com, nmorris@stinson.com Phone:402.930.1759

### Applicant Information

Application No	85897951	Publication date	09/17/2013
Opposition Filing Date	11/15/2013	Opposition Period Ends	11/16/2013
Applicant	Greater Omaha Packing Co., Inc. 3001 L Street Omaha, NE 68107 NIGER		

### Goods/Services Affected by Opposition

Class 029. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: meat, including boxed beef primal cuts

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)


### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2002499	Application Date	05/04/1995
Registration Date	09/24/1996	Foreign Priority Date	NONE
Word Mark	OMAHA STEAKS ANGUS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 1995/09/06 First Use In Commerce: 1995/09/06 fresh and frozen boxed steaks, and fresh and frozen cuts of meat

U.S. Registration No.	4172329	Application Date	10/15/2010
Registration Date	07/10/2012	Foreign Priority Date	NONE

Word Mark	OMAHA FRESH ANGUS BY OMAHA STEAKS
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Design Mark	
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Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2012/04/02 First Use In Commerce: 2012/04/02 Angus meat

U.S. Registration No.	1515602	Application Date	11/27/1987
Registration Date	12/06/1988	Foreign Priority Date	NONE

Word Mark	OMAHA STEAKS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 029. First use: First Use: 1968/00/00 First Use In Commerce: 1976/06/00 MEAT SOLD TO HOTELS, RESTAURANTS AND INSTITUTIONS
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Attachments	85153479#TMSN.jpeg( bytes ) Opposition.pdf(4559971 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/nancy t. morris/
Name	Nancy T. Morris Reg. No. 42,017
Date	11/15/2013



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Omaha Steaks International, Inc.

Opposer,

v.

Greater Omaha Packing Co., Inc.

Applicant.

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Opposition No.: \_\_\_\_\_

Mark:



**NOTICE OF OPPOSITION**

Omaha Steaks International, Inc. ("Opposer"), a Nebraska corporation located at 11030 'O' Street, Omaha, Nebraska 68137 having been granted an extension of time until July 29, 2012, hereby brings this Opposition against the registration of the mark GREATER OMAHA PROVIDING THE HIGHEST QUALITY BEEF and design (the "OMAHA BEEF Mark") claimed in Application Serial No. 85/897,951 (the "Application"). Opposer believes it will be damaged by the registration of the Application and therefore opposes the same.

As grounds of opposition, Opposer alleges as follows:

1. Opposer has been selling and/or offering various food products including beef and related goods and services under the mark OMAHA STEAKS in U.S. commerce since at least as early as 1952. Opposer is a highly successful company and the OMAHA STEAKS mark is famous in connection with Opposer's products and services and a source of considerable goodwill for Opposer and the integrity of the OMAHA STEAKS brand is of utmost importance to Opposer.

2. Opposer owns, *inter alia*, numerous U.S. trademark registrations and allowed applications for marks that incorporate the words OMAHA STEAKS or OMAHA FRESH

ANGUS BY OMAHA STEAKS or OMAHA STEAKS ANGUS in standard characters alone or in combination with other words and/or design elements. See Schedule of Marks attached as Exhibit A.

3. Pursuant to 37 C.F.R. §2.122(d)(1), current printouts of information from electronic database records of the USPTO showing the current status and title of the Registrations listed in Exhibit A are attached hereto as Exhibit B.

4. Opposer's Registration Nos. 1458802, 1515602, 1555215, 1674686, 2002499, 2840193, 2893159, 3758608, 3768689, 3768690, 3768693, 3857500, 4172329, and 4172330 are incontestable pursuant to 15 U.S.C. §1065, which provides conclusive evidence of Opposer's ownership of the marks therein, of the validity of the marks therein, and of Opposer's exclusive right to use the marks in commerce in connection with the goods and/or services identified in the registrations pursuant to 15 U.S.C. §1115(b).

5. Opposer's Registration Nos. 1005036, 1005037, 1007997, 1458802, 1515602, 1555215, 1674686, 2002499, 2414603, 2840193, 2893159, 3768689, 3768691, 3768693, 3774260, 3799411, 3857498, 4172329, and 4172330 are 2(f) registrations based on acquired distinctiveness of the words OMAHA, OMAHA STEAKS or OMAHA STEAKS ANGUS.

6. Opposer began actual and constructive use of its OMAHA STEAKS Marks in commerce more than fifty years, and since long before Applicant's actual or constructive first use of Applicant's filing of its intent-to-use application on April 8, 2013. Opposer has been continuously using its registered marks that incorporate the words OMAHA STEAKS in connection with food products, including beef, and related goods and services since at least as early as December 31, 1968.

7. Furthermore, Opposer has prior common law rights in OMAHA STEAKS as a trademark and has continuously used the mark OMAHA STEAKS in nationwide advertising of

food, including beef and related goods as well as promotional and collateral goods dating back to at least as early as 1952.

8. Opposer is owner of all right, title and interest in and to the mark OMAHA STEAKS and other marks containing the words OMAHA STEAKS including OMAHA FRESH ANGUS and OMAHA STEAKS ANGUS as heretofore alleged (referred to hereinafter, collectively, as the "OMAHA STEAKS Marks"), in connection with its goods and services.

9. Opposer has invested substantial sums of money to widely and extensively advertise, promote, distribute and familiarize the consuming public and the trade with the goods and services its sells and offers under the OMAHA STEAKS Marks.

10. As a result of this investment and the superior quality of its goods and services, Opposer's OMAHA STEAKS Marks have acquired a highly favorable reputation among members of the purchasing public and the trade and have become valuable symbols of Opposer's goodwill.

11. Notwithstanding Opposer's prior rights in the OMAHA STEAKS Marks, on April 8, 2013, Applicant filed the Application stating the intention to use the mark "GREATER OMAHA PROVIDING THE HIGHEST QUALITY BEEF" and Design in connection with meat, including boxed beef primal cuts in Class 29.

12. Applicant has not amended the Application to claim a date of first use.

13. On information and belief, Applicant knew of Opposer's longstanding prior rights in the OMAHA STEAKS Marks when Applicant filed the Application.

14. Opposer's Registration Nos. 1458802, 1515602, 1555215, 1674686, 2002499, 2414603, 2840193, 2893159, 3758608, 3768689, 3768690, 3768691, 3768693, 3774260, 3799411 and 3857498 for OMAHA STEAKS Marks issued prior to the filing date of the Application and prior to any use by Applicant of the Opposed Mark in the United States.

15. Applicant's OMAHA BEEF Mark is confusingly similar in sight, sound and commercial impression to previously used, well-known, and famous OMAHA STEAKS Marks.

16. Further, Applicant's goods are identical to, overlap with, or are closely related to goods on which the OMAHA STEAKS Marks have previously been used.

17. Likelihood of confusion in this case is increased by the fame and high degree of recognition of Opposer's OMAHA STEAKS Marks as distinctive indicators of the origin of Opposer's goods and services.

18. Similarly, Applicant's goods and Opposer's goods and services are targeted, offered and sold to the same class of prospective consumers, namely members of the general public and the trade who purchase meat, beef, pork, poultry, processed lamb or veal and associated services.

19. Registration and use of the Opposed Mark is likely to cause confusion or mistake in the minds of the public and trade and lead prospective purchasers into believing that Applicant's goods are those of Opposer, or are endorsed or sponsored by, or otherwise affiliated or connected to Opposer, or that Opposer's goods and services are associated with Applicant in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), with consequent damage and injury to Opposer, the public and the trade.

20. Applicant's OMAHA BEEF Mark, when used in connection with Applicant's goods as identified in the Application, so resembles the marks shown in the previously registered OMAHA STEAKS Marks as to be likely to cause confusion, to cause mistake, and/or to deceive members of the public concerning a sponsorship or endorsement of, or an affiliation, connection, or association with, the source of goods and services sold under the OMAHA STEAKS Marks as shown in the OMAHA STEAKS Registrations, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Opposer, the public, and the trade.

21. Pursuant to Section 13(a) of the Lanham Act, 15 U.S.C. § 1063(a), Opposer believes it will be damaged by registration of Applicant's OMAHA BEEF Mark in that members of the purchasing public and/or the trade are likely to be confused or mistaken that Applicant's goods offered under Applicant's OMAHA BEEF Mark originate from Opposer, or from the same source as goods sold under the famous OMAHA STEAKS Marks and/or the registered marks shown in the OMAHA STEAKS Registrations, or that such goods of Applicant are sponsored by, endorsed by, or affiliated with the source of goods sold under the OMAHA STEAKS Marks and/or the registered marks shown in the OMAHA STEAKS Registrations. Such likelihood of confusion results in damage to the goodwill among purchasers and the trade that the OMAHA STEAKS Marks symbolize. Registration of Applicant's OMAHA BEEF Mark will support and assist Applicant in the confusing and misleading use of Applicant's OMAHA BEEF Mark, and, in addition, will give color and exclusive statutory right to Applicant in violation and derogation of the prior and superior rights of Opposer.

22. By virtue of the high degree of acquired distinctiveness of the OMAHA STEAKS Marks, the long duration and extensive use of the OMAHA STEAKS Marks in connection with the goods and services with which the OMAHA STEAKS Marks have been used, the long duration and extensive advertising and promotion of the OMAHA STEAKS Marks, the 50-state trading area in which the OMAHA STEAKS Marks have been used, and the high degree of recognition of the OMAHA STEAKS Marks, the OMAHA STEAKS Marks have become well-known and famous by the general consuming public and the trade of the United States, as well as internationally, who have come to associate the goods offered and sold under the OMAHA STEAKS Marks with a single source and as distinctive indicators of the origin of Opposer's goods and services and the designation OMAHA STEAKS, OMAHA ANGUS AND OMAHA



FRESH ANGUS as famous marks pursuant to 15 U.S.C. §1125©(1), all before the date of filing of the Application.

23. Registration of Applicant's OMAHA BEEF Mark for use in connection with the goods identified in the application opposed herein would whittle away, disperse, and blur in the mind of the consuming public and the trade the identity of the designation OMAHA STEAKS in relation to Opposer, thereby lessening the capacity of the famous designation OMAHA STEAKS to identify and distinguish Opposer's goods sold thereunder. Any use in commerce by Applicant of Applicant's OMAHA BEEF Mark would suggest an association arising from the similarity between Applicant's OMAHA BEEF Mark and the designation OMAHA STEAKS that would impair the distinctiveness of the designation OMAHA STEAKS.

24. Additionally, if the goods offered under Applicant's OMAHA BEEF Mark were of poor quality, any use by Applicant of Applicant's OMAHA BEEF Mark would likely tarnish the invaluable goodwill and reputation symbolized by the famous designation OMAHA STEAKS.

25. Any use by Applicant of Applicant's OMAHA BEEF Mark would be likely to cause dilution of the famous designation OMAHA STEAKS, in violation of 15 U.S.C. §§ 1052, 1125(c), and 1127.

26. Pursuant to Section 13(a) of the Lanham Act, 15 U.S.C. § 1063(a), Opposer believes it will be damaged by registration of Applicant's OMAHA BEEF Mark because such registration will support and assist Applicant in its diluting use of Applicant's OMAHA BEEF Mark sought to be registered, and will give color and exclusive statutory right to Applicant, in violation and derogation of the prior and superior statutory and common law rights of Opposer.

WHEREFORE, Opposer Omaha Steaks International, Inc. respectfully requests that registration of Applicant's mark be rejected and for such other relief as the Board deems just and proper.

A copy of this Notice has been mailed to the Applicant by mailing said copy on November 15, 2013, via first class mail, postage prepaid and addressed as follows: Chad W. Swantz, Suiter Swantz pc llo, 14301 FNB Pkwy, Suite 220, Omaha, Nebraska 68154.

Please charge deposit account No. 194409 in the amount of \$300 to cover the filing fee of the Notice of Opposition against Applicant. Please charge any additional fees to deposit account No. 194409, as necessary.

Respectfully submitted,

Dated: November 15, 2013

By: s/Nancy T. Morris/  
NANCY T. MORRIS, Reg. No. 42,017  
STINSON MORRISON HECKER LLP  
1299 Farnam Street  
Omaha, NE 68102-1818  
Telephone: (402) 930-1759  
Facsimile: (402) 829-8725  
Attorney for Opposer

## CERTIFICATE OF SERVICE




The undersigned hereby certifies that the foregoing Notice of Opposition was served on Applicant by mailing said copy on November 15, 2013, via first class mail, postage prepaid and addressed as follows: Chad W. Swantz, Suiter Swantz pc llo, 14301 FNB Pkwy, Suite 220, Omaha, Nebraska 68154.



By: s/Nancy T. Morris/  
Nancy T. Morris, Attorney for Opposer


## **EXHIBIT A**

## SCHEDULE OF MARKS



Serial Number	Reg. Number	Reg. or Allowance Date	Mark	Goods/Services	
73616747	1458802	1987-09-22	OMAHA STEAKS	<b>International Class:</b> 042 retail mail-order and retail food store services in the field of gourmet food products, kitchen apparel and kitchen utensils	<b>First Use Date:</b> 1968-00-00  <b>First Use in Commerce Date:</b> 1976-06-00
73697700	1515602	1988-12-06	OMAHA STEAKS	<b>International Class:</b> 029 meat sold to hotels, restaurants and institutions	<b>First Use Date:</b> 1968-00-00 <b>First Use in Commerce Date:</b> 1976-06-00
73711908	1555215	1989-09-05	OMAHA STEAKS FOODSERVICE	<b>International Class:</b> 042 wholesale distributorship services in the field of food	<b>First Use Date:</b> 1987-12-17  <b>First Use in Commerce Date:</b> 1988-01-15
74158733	1674686	1992-02-04	OMAHA STEAKS	<b>International Class:</b> 042 retail food store services	<b>First Use Date:</b> 1968-00-00  <b>First Use in Commerce Date:</b> 1976-06-00
74669660	2002499	1996-09-24	OMAHA STEAKS ANGUS	<b>International Class:</b> 029 fresh and frozen boxed steaks, and fresh and frozen cuts of meat	<b>First Use Date:</b> 1995-09-06  <b>First Use in Commerce Date:</b> 1995-09-06
75634292	2414603	2000-12-19	OMAHASTEAKS.COM	<b>International Class:</b> 042 providing information in the field of food and food preparation by means of a global computer network	<b>First Use Date:</b> 2000-05-25  <b>First Use in Commerce Date:</b> 2000-05-25
78207792	2840193	2004-05-11	PREMIUM HEARTLAND QUALITY OMAHA STEAKS SINCE 1917  	<b>International Class:</b> 029 Meat, Hot dogs, Hamburger patties, Corned beef, Ham, Liver, Bacon, Pork, Processed lamb, Turkey, Roast beef, Soups, Chicken, Fish, Processed Potatoes, Frozen vegetables, fish dip, and frozen meals consisting primarily of meat, fish, poultry or vegetables.  <b>International Class:</b> 030 Bakery desserts, Frozen meals consisting primarily of pasta or rice, Steak seasoning, Bread, Butter sauce, Hollandaise sauce, Bearnaise sauce, Peppercorn	<b>First Use Date:</b> 1996-01-01  <b>First Use in Commerce Date:</b> 1996-01-01




				sauce, Bordelaise sauce, Gravy.  <b>International Class:</b> 035 Electronic retailing services via computer featuring food and food related items; Mail order catalog services featuring food and food related items; Telephone shop-at-home services in the field of food and food related items.	
78207757	2893159	2004-10-12	PREMIUM HEARTLAND QUALITY OMAHA STEAKS STORES  	<b>International Class:</b> 035 retail food store services	<b>First Use Date:</b> 2002-12-19  <b>First Use in Commerce Date:</b> 2002-12-19
77566409	3758608	2010-03-09	OMAHA STEAKS PRIVATE RESERVE  	<b>International Class:</b> 029 Meat	<b>First Use Date:</b> 2008-09-29  <b>First Use in Commerce Date:</b> 2008-09-29
77613754	3768689	2010-03-30	HEARTLAND QUALITY OMAHA STEAKS SINCE 1917  	<b>International Class:</b> 029 frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables.  <b>International Class:</b> 030 sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts.  <b>International Class:</b> 035 on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items;	<b>First Use Date:</b> 2009-04-30 (Class 29 and 30)  2009-04-15 (Class 35)  <b>First Use in Commerce Date:</b> 2009-04-30 (Class 29 and 30)  2009-04-15 (Class 35)



				retail store services featuring food and food-related items	
77613768	3768690	2010-03-30	HEARTLAND QUALITY OMAHA STEAKS SINCE 1917  	<p><b>International Class:</b> 029 frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables.</p> <p><b>International Class:</b> 030 sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts</p> <p><b>International Class:</b> 035 on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items</p>	<p><b>First Use Date:</b> 2009-03-31 (Class 29 and 30)</p> <p>2009-03-03 (Class 35)</p> <p><b>First Use in Commerce Date:</b> 2009-03-31 (Class 29 and 30)</p> <p>2009-03-03 (Class 35)</p>
77613775	3768691	2010-03-30	HEARTLAND QUALITY OMAHA STEAKS SINCE 1917  	<p><b>International Class:</b> 029 frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables.</p> <p><b>International Class:</b> 030 sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard;</p>	<p><b>First Use Date:</b> 2009-03-31 (Class 29 and 30)</p> <p>2009-03-03 (Class 35)</p> <p><b>First Use in Commerce Date:</b> 2009-03-31 (Class 29 and 30)</p> <p>2009-03-03 (Class 35)</p>

				<p>horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts.</p> <p><b>International Class:</b> 035 on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items</p>	
77613789	3768693	2010-03-30	<p>HEARTLAND QUALITY OMAHA STEAKS SINCE 1917</p> 	<p><b>International Class:</b> 029 frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables.</p> <p><b>International Class:</b> 030 sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts.</p> <p><b>International Class:</b> 035 on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items</p>	<p><b>First Use Date:</b> 2009-04-30 (Class 29 and 30)</p> <p>2009-04-15 (Class 35)</p> <p><b>First Use in Commerce Date:</b> 2009-04-30 (Class 29 and 30)</p> <p>2009-04-15 (Class 35)</p>
77731765	3774260	2010-04-13	OMAHA STEAKS	<p><b>International Class:</b> 029 frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting</p>	<p><b>First Use Date:</b> 1968-12-31 (Class 29 and 35)</p> <p>1996-09-01 (Class 30)</p> <p><b>First Use in Commerce Date:</b> 1976-06-30 (Class 29 and 35)</p>



				<p>primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables.</p> <p><b>International Class:</b> 030 sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts.</p> <p><b>International Class:</b> 035 on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items.</p>	1996-09-01 (Class 30)
77853788	3799411	2010-06-08	<p>OMAHA STEAKS PRIVATE RESERVE</p> 	<p><b>International Class:</b> 030 Seasonings</p> <p><b>International Class:</b> 035 on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items; telephone shop-at-home services in the field of food and food related items</p>	<p><b>First Use Date:</b> 2009-04-01 (Class 30)</p> <p>2008-10-01 (Class 35)</p> <p><b>First Use in Commerce Date:</b> 2009-04-01 (Class 30)</p> <p>2008-10-01 (Class 35)</p>
77613760	3857498	2010-10-05	<p>HEARTLAND QUALITY OMAHA STEAKS SINCE 1917</p> 	<p><b>International Class:</b> 035 on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items.</p>	<p><b>First Use Date:</b> 2009-04-30</p> <p><b>First Use in Commerce Date:</b> 2009-04-30</p>
85153479	4172329	2012-07-10	OMAHA FRESH ANGUS BY OMAHA STEAKS	<p><b>International Class:</b> 029 angus meat</p>	<p><b>First Use Date:</b> 2012-04-02</p> <p><b>First Use in Commerce Date:</b> 2012-04-02</p>
85153496	4172330	2012-07-10	OMAHA FRESH BY OMAHA STEAKS	<p><b>International Class:</b> 029 Meat</p>	<p><b>First Use Date:</b> 2012-04-02</p> <p><b>First Use in Commerce Date:</b> 2012-04-02</p>

85153474		Notice of Allowance 05-31-2011	OMAHA FRESH BY OMAHA STEAKS	<b>International Class:</b> 035 Mail order catalog services featuring food and food related items; On-line retail store services featuring food and food related items; Retail stores featuring food and food related items; Wholesale food distributorship services	
85153488		Notice of Allowance 05-31-2011	OMAHA FRESH ANGUS BY OMAHA STEAKS	<b>International Class:</b> 035 Mail order catalog services featuring food and food related items; On-line retail store services featuring food and food related items; Retail stores featuring food and food related items; Wholesale food distributorship services	
85319059	4250829	2012-11-27	OMAHA STEAKS	<b>International Class:</b> 035 Food kiosk services  <b>International Class:</b> 043 Food preparation services; Preparation of food and beverages; Providing of food and drink; Serving of food and drink/beverages	
85319082	4250830	2012-11-27	HEARTLAND QUALITY OMAHA STEAKS SINCE 1917  	<b>International Class:</b> 035 Food kiosk services  <b>International Class:</b> 043 Food preparation services; Preparation of food and beverages; Providing of food and drink; Serving of food and drink/beverages	
85361435	4321575	2013-04-16	OMAHA STEAKS PRIVATE RESERVE  	<b>International Class:</b> 029 baked potatoes	
85383653		Notice of Allowance 02-28-12	OMAHA STEAKS PRIVATE RESERVE  	<b>International Class:</b> 030 Bakery desserts; Barbecue sauce; Bread; Breakfast burritos; Cakes; Cheesecake; Cookie dough; Cookies; Cream puffs; Flavored vinegar; Frozen foods, namely, grain and bread based appetizers, hors d'oeuvres and canapés; Frozen meals consisting primarily of pasta or	

				rice; Gravy; Horseradish; Hot dog sandwiches; Ketchup; Macaroni salads; Mustard; Packaged meals consisting primarily of pasta or rice; Pasta salads; Prepared meals consisting primarily of pasta or rice; Rice cakes; Salad dressings; Sauces; Spring rolls; Tarts	
85383663	4325113	2013-04-23	OMAHA STEAKS PRIVATE RESERVE 	<b>International Class: 029</b> Bacon; beef; beef jerky; beef stick snack foods; bratwurst; cheese; chicken; corned beef; crab cakes; crabs; dips; fish fillets; fish; frankfurters; frozen appetizers consisting primarily of chicken or seafood; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen meals consisting primarily of meat, fish, poultry or vegetables; frozen pre-packaged entrees consisting primarily of seafood; frozen vegetables; ham; hash brown potatoes; uncooked hamburger patties; hot dogs; liver; mashed potatoes; meatballs; omelets; packaged meals consisting primarily of meat, fish, poultry or vegetables; pork; potato fries; potato skins; poultry; pre-cut vegetable salad; prepared foods, namely, side dishes and casseroles mainly consisting of vegetables, potatoes, beans or fruit; prepared meals consisting primarily of meat, fish, poultry or vegetables; prepared nuts; processed lamb; processed potatoes; roast beef; salads except macaroni, rice and pasta salads; salmon; sausages; seafood; shellfish; soups; turkey; veal	
85383667		Notice of Allowance 02-28-12	OMAHA STEAKS PRIVATE RESERVE 	<b>International Class: 035</b> Customer loyalty services and customer club services, for commercial, promotional and advertising purposes; Administration of an incentive award program enabling participants to obtain discounts and complimentary awards on goods and services through membership; Mobile retail store services featuring food and food related items; Providing incentive award programs for customers by offering discounts on goods for the purpose of promoting and awarding loyalty; Retail store services featuring food and food related items	

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## **EXHIBIT B**



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### Typed Drawing

<b>Word Mark</b>	OMAHA STEAKS
<b>Goods and Services</b>	IC 042. US 101. G & S: RETAIL MAIL-ORDER AND RETAIL FOOD STORE SERVICES IN THE FIELD OF GOURMET FOOD PRODUCTS, KITCHEN APPAREL AND KITCHEN UTENSILS. FIRST USE: 19680000. FIRST USE IN COMMERCE: 19760600
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73616747
<b>Filing Date</b>	August 25, 1986
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 30, 1987
<b>Registration Number</b>	1458802
<b>Registration Date</b>	September 22, 1987
<b>Owner</b>	(REGISTRANT) OMAHA STEAKS INTERNATIONAL, INC. CORPORATION NEBRASKA 11030 "O" Street OMAHA NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	0888852;1071158;1179606;1346851
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20070713.

**Renewal** 1ST RENEWAL 20070713  
**Live/Dead Indicator** LIVE

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### Typed Drawing

<b>Word Mark</b>	OMAHA STEAKS
<b>Goods and Services</b>	IC 029. US 046. G & S: MEAT SOLD TO HOTELS, RESTAURANTS AND INSTITUTIONS. FIRST USE: 19680000. FIRST USE IN COMMERCE: 19760600
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73697700
<b>Filing Date</b>	November 27, 1987
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	September 13, 1988
<b>Registration Number</b>	1515602
<b>Registration Date</b>	December 6, 1988
<b>Owner</b>	(REGISTRANT) OMAHA STEAKS INTERNATIONAL, INC. CORPORATION NEBRASKA 11030 "O" Street OMAHA NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	0888852;0900361;1057822;1071158;1179606;1230583;1346851;1376432;1415848;1458802;1471522;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20081203.
<b>Renewal</b>	1ST RENEWAL 20081203



Live/Dead  
Indicator

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### Typed Drawing

<b>Word Mark</b>	OMAHA STEAKS FOODSERVICE
<b>Goods and Services</b>	IC 042. US 101. G & S: WHOLESALE DISTRIBUTORSHIP SERVICES IN THE FIELD OF FOOD. FIRST USE: 19871217. FIRST USE IN COMMERCE: 19880115
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	73711908
<b>Filing Date</b>	February 18, 1988
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 13, 1989
<b>Registration Number</b>	1555215
<b>Registration Date</b>	September 5, 1989
<b>Owner</b>	(REGISTRANT) OMAHA STEAKS INTERNATIONAL, INC. CORPORATION NEBRASKA 11030 "O" Street OMAHA NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	0888852;0900361;1057822;1071158;1179606;1230583;1346851;1376432;1415848;1458802;1471522;1515602;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS FOODSERVICE" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL-2(F)-IN PART
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090821.
<b>Renewal</b>	1ST RENEWAL 20090821
<b>Live/Dead</b>	

Indicator LIVE  
Distinctiveness  
Limitation AS TO THE WORD "OMAHA"  
Statement

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### Typed Drawing

<b>Word Mark</b>	OMAHA STEAKS
<b>Goods and Services</b>	IC 042. US 101. G & S: retail food store services. FIRST USE: 19680000. FIRST USE IN COMMERCE: 19760600
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74158733
<b>Filing Date</b>	April 19, 1991
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 12, 1991
<b>Registration Number</b>	1674686
<b>Registration Date</b>	February 4, 1992
<b>Owner</b>	(REGISTRANT) OMAHA STEAKS INTERNATIONAL, INC. CORPORATION NEBRASKA 11030 "O" Street OMAHA NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	0888852;1057822;1071158;1179606;1230583;1235911;1346851;1376432;1458802;1471522;1515602;1555215;1556222;2125009;2262273;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120124.
<b>Renewal</b>	2ND RENEWAL 20120124

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### Typed Drawing

<b>Word Mark</b>	OMAHA STEAKS ANGUS
<b>Goods and Services</b>	IC 029. US 046. G & S: fresh and frozen boxed steaks, and fresh and frozen cuts of meat. FIRST USE: 19950906. FIRST USE IN COMMERCE: 19950906
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	74669660
<b>Filing Date</b>	May 4, 1995
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	July 2, 1996
<b>Registration Number</b>	2002499
<b>Registration Date</b>	September 24, 1996
<b>Owner</b>	(REGISTRANT) OMAHA STEAKS INTERNATIONAL CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137
<b>Attorney of Record</b>	DENISE C MAZOUR
<b>Prior Registrations</b>	1515602;1556222;1674686
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" and "ANGUS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20061028.
<b>Renewal</b>	1ST RENEWAL 20061028
<b>Live/Dead Indicator</b>	LIVE

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### Typed Drawing

<b>Word Mark</b>	OMAHASTEAKS.COM
<b>Goods and Services</b>	IC 042. US 100 101. G & S: providing information in the field of food and food preparation by means of a global computer network. FIRST USE: 20000525. FIRST USE IN COMMERCE: 20000525
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75634292
<b>Filing Date</b>	February 8, 1999
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 23, 1999
<b>Registration Number</b>	2414603
<b>Registration Date</b>	December 19, 2000
<b>Owner</b>	(REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	1458802;1471522;1515602;1674686;AND OTHERS
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL-2(F)
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101103.
<b>Renewal</b>	1ST RENEWAL 20101103
<b>Live/Dead Indicator</b>	LIVE



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**Word Mark**  
**Goods and Services**

PREMIUM HEARTLAND QUALITY OMAHA STEAKS SINCE 1917

IC 029. US 046. G & S: Meat, Hot dogs, Hamburger patties, Corned beef, Ham, Liver, Bacon, Pork, Processed lamb, Turkey, Roast beef, Soups, Chicken, Fish, Processed Potatoes, Frozen vegetables, fish dip, and frozen meals consisting primarily of meat, fish, poultry or vegetables. FIRST USE: 19960101. FIRST USE IN COMMERCE: 19960101

IC 030. US 046. G & S: Bakery desserts, Frozen meals consisting primarily of pasta or rice, Steak seasoning, Bread, Butter sauce, Hollandaise sauce, Bearnaise sauce, Peppercorn sauce, Bordelaise sauce, Gravy. FIRST USE: 19960101. FIRST USE IN COMMERCE: 19960101

IC 035. US 100 101 102. G & S: Electronic retailing services via computer featuring food and food related items; Mail order catalog services featuring food and food related items; Telephone shop-at-home services in the field of food and food related items. FIRST USE: 19960101. FIRST USE IN COMMERCE: 19960101

**Mark Drawing Code**  
**Design Search Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

07.13.02 - Advertising, signs, alone; Street signs not attached to a support

24.09.07 - Advertising, banners; Banners

26.11.13 - Rectangles (exactly two rectangles); Two rectangles

26.11.16 - Rectangles touching or intersecting

26.11.20 - Rectangles inside one another

26.11.21 - Rectangles that are completely or partially shaded

**Serial Number**  
**Filing Date**

78207792

January 28, 2003

**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** February 17, 2004  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 2840193  
**Registration Date** May 11, 2004  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 1674686;2086413;2140390;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PREMIUM, QUALITY, STEAKS, AND SINCE 1917" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE  
**Distinctiveness**  
**Limitation Statement** AS TO "OMAHA"

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<b>Word Mark</b>	PREMIUM HEARTLAND QUALITY OMAHA STEAKS STORES
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: retail food store services. FIRST USE: 20021219. FIRST USE IN COMMERCE: 20021219
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.09.07 - Advertising, banners; Banners 26.11.13 - Rectangles (exactly two rectangles); Two rectangles 26.11.16 - Rectangles touching or intersecting 26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded
<b>Serial Number</b>	78207757
<b>Filing Date</b>	January 28, 2003
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	July 20, 2004
<b>Registration Number</b>	2893159
<b>Registration Date</b>	October 12, 2004
<b>Owner</b>	(REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	1674686;2086413;2140390;AND OTHERS

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE PREMIUM, QUALITY, STEAKS and STORES APART FROM THE MARK AS SHOWN

**Description of Mark** The colors burgundy and white is/are claimed as a feature of the mark. The color burgundy appears in the two rectangular boxes of the mark as well as in the words Premium Heartland Quality. The color white appears in the banner portion of the mark as well as in the words Omaha Steaks Stores.

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL-2(F)-IN PART

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

**Distinctiveness**

**Limitation Statement** as to "OMAHA"

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<b>Word Mark</b>	OMAHA STEAKS PRIVATE RESERVE
<b>Goods and Services</b>	IC 029. US 046. G & S: Meat. FIRST USE: 20080929. FIRST USE IN COMMERCE: 20080929
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.09.07 - Advertising, banners; Banners 26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded 26.11.25 - Rectangles with one or more curved sides 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape) 26.17.25 - Other lines, bands or bars
<b>Trademark Search Facility Classification Code</b>	ART-24.09 Flags, banners SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-MISC Miscellaneous shaped designs
<b>Serial Number</b>	77566409
<b>Filing Date</b>	September 10, 2008
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for</b>	

**Opposition** March 10, 2009  
**Registration Number** 3758608  
**International Registration Number** 1005037  
**Registration Date** March 9, 2010  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 1458802;1515602;1674686;2140390;2145384;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN  
**Description of Mark** The color(s) burgundy, black, white and taupe is/are claimed as a feature of the mark. The mark consists of the wording "OMAHA STEAKS" in white appearing within a rectangular burgundy box design, having three borders, namely, a white inner border, a black middle border and a white outer border. The wording "PRIVATE RESERVE" appears below the rectangular burgundy box design and appears within a fanciful taupe colored banner design. The banner has two borders, the innermost border appearing in white and the outermost border appearing in burgundy. A fanciful white line drawing appears below the wording "PRIVATE RESERVE" and within the banner design.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness**  
**Limitation Statement** As to "OMAHA"

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#### Word Mark Goods and Services

HEARTLAND QUALITY OMAHA STEAKS SINCE 1917

IC 029. US 046. G & S: frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables. FIRST USE: 20090430. FIRST USE IN COMMERCE: 20090430

IC 030. US 046. G & S: sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts. FIRST USE: 20090430. FIRST USE IN COMMERCE: 20090430

IC 035. US 100 101 102. G & S: on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items. FIRST USE: 20090415. FIRST USE IN COMMERCE: 20090415

#### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

#### Design Search Code

26.01.06 - Circles, semi; Semi-circles  
 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric  
 26.03.21 - Ovals that are completely or partially shaded  
 26.11.20 - Rectangles inside one another  
 26.11.21 - Rectangles that are completely or partially shaded



26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)  
 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Trademark Search Facility Classification Code** ART-24.09 Flags, banners  
 NUM-26-UP 1917 Other Numerals - 26 and Up  
 SHAPES-BAR-BANDS Designs with bar, bands or lines  
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
 SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons  
 SHAPES-MISC Miscellaneous shaped designs  
 SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

**Serial Number** 77613754  
**Filing Date** November 13, 2008  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** March 31, 2009  
**Registration Number** 3768689  
**Registration Date** March 30, 2010  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 1674686;2840193;2893159;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "QUALITY" "STEAKS" AND "SINCE 1917" APART FROM THE MARK AS SHOWN  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the words "HEARTLAND QUALITY" appearing within a curved rectangular banner, the words "OMAHA STEAKS" appearing thereunder within a rectangular box having a border and the words "SINCE 1917" appearing thereunder within a semi-circular design with a line appearing within and at the bottom of the semi-circle. Two bands extend vertically from either side of the wording, each having two borders.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness Limitation Statement** as to "Omaha"

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#### Word Mark Goods and Services

HEARTLAND QUALITY OMAHA STEAKS SINCE 1917

IC 029. US 046. G & S: frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables. FIRST USE: 20090331. FIRST USE IN COMMERCE: 20090331

IC 030. US 046. G & S: sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts. FIRST USE: 20090331. FIRST USE IN COMMERCE: 20090331

IC 035. US 100 101 102. G & S: on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items. FIRST USE: 20090303. FIRST USE IN COMMERCE: 20090303

#### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

#### Design Search Code

24.09.07 - Advertising, banners; Banners  
 26.01.06 - Circles, semi; Semi-circles  
 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric  
 26.03.21 - Ovals that are completely or partially shaded  
 26.11.20 - Rectangles inside one another

26.11.21 - Rectangles that are completely or partially shaded

**Trademark** ART-24.09 Flags, banners

**Search Facility** NUM-26-UP 1917 Other Numerals - 26 and Up

**Classification Code** SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons  
SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

**Serial Number** 77613768

**Filing Date** November 13, 2008

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** March 31, 2009

**Registration Number** 3768690

**International Registration Number** 1005036

**Registration Date** March 30, 2010

**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137

**Attorney of Record** Denise C. Mazour

**Prior Registrations** 1674686;2840193;2893159;AND OTHERS

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "QUALITY" "STEAKS" AND "SINCE 1917" APART FROM THE MARK AS SHOWN

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the words "HEARTLAND QUALITY" appearing within a curved rectangular banner, the words "OMAHA STEAKS" appearing thereunder within a rectangular box having a border and the words "SINCE 1917" appearing thereunder within a semi-circular design.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** as to "Omaha"

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#### Word Mark Goods and Services

HEARTLAND QUALITY OMAHA STEAKS SINCE 1917

IC 029. US 046. G & S: frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables. FIRST USE: 20090331. FIRST USE IN COMMERCE: 20090331

IC 030. US 046. G & S: sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts. FIRST USE: 20090331. FIRST USE IN COMMERCE: 20090331

IC 035. US 100 101 102. G & S: on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items. FIRST USE: 20090303. FIRST USE IN COMMERCE: 20090303

#### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

#### Design Search Code

24.09.07 - Advertising, banners; Banners  
 26.01.06 - Circles, semi; Semi-circles  
 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric  
 26.03.21 - Ovals that are completely or partially shaded  
 26.11.20 - Rectangles inside one another

26.11.21 - Rectangles that are completely or partially shaded

**Trademark** ART-24.09 Flags, banners

**Search Facility** NUM-26-UP 1917 Other Numerals - 26 and Up

**Classification Code** SHAPES-BAR-BANDS Designs with bar, bands or lines  
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
 SHAPES-COLORS-2 Design listing or lined for two colors  
 SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons  
 SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

**Serial Number** 77613775

**Filing Date** November 13, 2008

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** March 31, 2009

**Registration Number** 3768691

**Registration Date** March 30, 2010

**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137

**Attorney of Record** Denise C. Mazour

**Prior Registrations** 1674686;2840193;2893159;AND OTHERS

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "QUALITY" "STEAKS" AND "SINCE 1917" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) burgundy and white is/are claimed as a feature of the mark. The mark consists of the words "HEARTLAND QUALITY" in burgundy appearing within a white curved rectangular banner, the words "OMAHA STEAKS" in white appearing thereunder within a burgundy rectangular box having a white and burgundy border and the words "SINCE 1917" in white appearing thereunder within a burgundy semi-circular design with a white line appearing within and at the bottom of the semi-circle.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** as to "Omaha"

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#### Word Mark Goods and Services

HEARTLAND QUALITY OMAHA STEAKS SINCE 1917

IC 029. US 046. G & S: frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables. FIRST USE: 20090430. FIRST USE IN COMMERCE: 20090430

IC 030. US 046. G & S: sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts. FIRST USE: 20090430. FIRST USE IN COMMERCE: 20090430

IC 035. US 100 101 102. G & S: on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items. FIRST USE: 20090415. FIRST USE IN COMMERCE: 20090415

#### Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

#### Design Search Code

24.09.07 - Advertising, banners; Banners  
 26.01.06 - Circles, semi; Semi-circles  
 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric  
 26.03.21 - Ovals that are completely or partially shaded  
 26.11.20 - Rectangles inside one another



26.11.21 - Rectangles that are completely or partially shaded  
 26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)  
 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved

**Trademark Search Facility Classification Code** ART-24.09 Flags, banners  
 NUM-26-UP 1917 Other Numerals - 26 and Up  
 SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles  
 SHAPES-COLORS-2 Design listing or lined for two colors  
 SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons  
 SHAPES-MISC Miscellaneous shaped designs  
 SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

**Serial Number** 77613789  
**Filing Date** November 13, 2008  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** March 31, 2009  
**Registration Number** 3768693  
**Registration Date** March 30, 2010  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 1674686;2840193;2893159;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "QUALITY" "STEAKS" AND "SINCE 1917" APART FROM THE MARK AS SHOWN  
**Description of Mark** The color(s) burgundy and white is/are claimed as a feature of the mark. The mark consists of the words "HEARTLAND QUALITY" in burgundy appearing within a white curved rectangular banner, the words "OMAHA STEAKS" in white appearing thereunder within a burgundy rectangular box having a white and burgundy border and the words "SINCE 1917" in white appearing thereunder within a burgundy semi-circular design with a white line appearing within and at the bottom of the semi-circle. Two burgundy bands extend vertically from either side of the wording, each having a white border and burgundy border.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness Limitation Statement** as to "Omaha"

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# OMAHA STEAKS

#### Word Mark Goods and Services

OMAHA STEAKS

IC 029. US 046. G & S: frozen entrees consisting primarily of meat, fish, poultry, seafood or vegetables; frozen meals consisting primarily of meat, fish, poultry, seafood or vegetables; meat; poultry; pork; frankfurters; bratwurst; hamburgers; sausages; soups; seafood; crabs; shrimp; lobsters; salmon; veal; processed lamb; frozen appetizers consisting primarily of chicken or seafood; beef jerky; prepared nuts; omelets; meatballs; dips; frozen vegetables. FIRST USE: 19681231. FIRST USE IN COMMERCE: 19760630

IC 030. US 046. G & S: sauces; bakery desserts; frozen entrees consisting primarily of pasta or rice; spring rolls; frozen meals consisting primarily of pasta or rice; rice cakes; seasonings; mustard; horseradish; cakes; cream puffs; cookies; cookie dough; breakfast burritos; tarts. FIRST USE: 19960901. FIRST USE IN COMMERCE: 19960901

IC 035. US 100 101 102. G & S: on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items. FIRST USE: 19681231. FIRST USE IN COMMERCE: 19760630

#### Standard Characters Claimed

#### Mark Drawing Code

(4) STANDARD CHARACTER MARK

#### Serial Number

77731765

#### Filing Date

May 7, 2009

**Current Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** September 15, 2009  
**Registration Number** 3774260  
**International Registration Number** 1007997  
**Registration Date** April 13, 2010  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 1674686;2840193;2893159;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness Limitation Statement** as to "OMAHA"

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<b>Word Mark</b>	OMAHA STEAKS PRIVATE RESERVE
<b>Goods and Services</b>	IC 030. US 046. G & S: Seasonings. FIRST USE: 20090401. FIRST USE IN COMMERCE: 20090401
	IC 035. US 100 101 102. G & S: on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items; telephone shop-at-home services in the field of food and food related items. FIRST USE: 20081001. FIRST USE IN COMMERCE: 20081001
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.11.13 - Rectangles (exactly two rectangles); Two rectangles 26.11.16 - Rectangles touching or intersecting 26.11.21 - Rectangles that are completely or partially shaded 26.11.25 - Rectangles with one or more curved sides 26.17.25 - Other lines, bands or bars
<b>Trademark Search Facility Classification Code</b>	ART-24.09 Flags, banners SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-MISC Miscellaneous shaped designs
<b>Serial Number</b>	77853788
<b>Filing Date</b>	October 21, 2009
<b>Current Basis</b>	1A
<b>Original Filing</b>	

**Basis** 1A  
**Published for Opposition** March 23, 2010  
**Registration Number** 3799411  
**Registration Date** June 8, 2010  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 2140390;2145384  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN  
**Description of Mark** The color(s) burgundy, black, white and taupe is/are claimed as a feature of the mark. The mark consists of the wording "OMAHA STEAKS" in white appearing within a rectangular burgundy box design, having three borders, namely, a white inner border, a black middle border and a white outer border. The wording "PRIVATE RESERVE" appears below the rectangular burgundy box design and appears within a fanciful taupe colored banner design. The banner has two borders, the innermost border appearing in white and the outermost border appearing in burgundy. A fanciful white line drawing appears below the wording "PRIVATE RESERVE" and within the banner design.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness Limitation Statement** As to OMAHA

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<b>Word Mark</b>	HEARTLAND QUALITY OMAHA STEAKS SINCE 1917
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: on-line retail store services featuring food and food related items; mail order catalog services featuring food and food related items, telephone shop-at-home services in the field of food and food related items; retail store services featuring food and food-related items. FIRST USE: 20090430. FIRST USE IN COMMERCE: 20090430
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.09.07 - Advertising, banners; Banners 26.01.06 - Circles, semi; Semi-circles 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric 26.03.21 - Ovals that are completely or partially shaded 26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
<b>Trademark Search Facility Classification Code</b>	ART-24.09 Flags, banners NUM-26-UP 1917 Other Numerals - 26 and Up SHAPES-BAR-BANDS Designs with bar, bands or lines SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles SHAPES-GEOMETRIC Geometric figures and solids including squares, rectangles, quadrilaterals and polygons SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals
<b>Serial Number</b>	77613760
<b>Filing Date</b>	November 13, 2008

**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** March 31, 2009  
**Registration Number** 3857498  
**Registration Date** October 5, 2010  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 1674686;2840193;2893159;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "QUALITY", "STEAKS" AND "SINCE 1917" APART FROM THE MARK AS SHOWN  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the words "HEARTLAND QUALITY" appearing within a curved rectangular banner, the words "OMAHA STEAKS" in appearing thereunder within a rectangular box having a border and the words "SINCE 1917" appearing thereunder within a semi-circular design with a line appearing within and at the bottom of the semi-circle. Two bands extend horizontally from either side of the wording, each having a two borders.  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness**  
**Limitation Statement** as to "Omaha"

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### OMAHA FRESH ANGUS BY OMAHA STEAKS

<b>Word Mark</b>	OMAHA FRESH ANGUS BY OMAHA STEAKS
<b>Goods and Services</b>	IC 029. US 046. G & S: Angus meat. FIRST USE: 20120402. FIRST USE IN COMMERCE: 20120402
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85153479
<b>Filing Date</b>	October 15, 2010
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 19, 2011
<b>Registration Number</b>	4172329
<b>Registration Date</b>	July 10, 2012
<b>Owner</b>	(REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	2002499;3610859;3774260;3776869
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FRESH ANGUS" AND "STEAKS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)-IN PART

Live/Dead Indicator LIVE  
Distinctiveness Limitation AS TO "OMAHA"  
Statement

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### OMAHA FRESH BY OMAHA STEAKS

<b>Word Mark</b>	OMAHA FRESH BY OMAHA STEAKS
<b>Goods and Services</b>	IC 029. US 046. G & S: Meat. FIRST USE: 20120402. FIRST USE IN COMMERCE: 20120402
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85153496
<b>Filing Date</b>	October 15, 2010
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	April 5, 2011
<b>Registration Number</b>	4172330
<b>Registration Date</b>	July 10, 2012
<b>Owner</b>	(REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	2002499;2140390;3774260;AND OTHERS
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "FRESH" AND "STEAKS" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL-2(F)-IN PART

Live/Dead Indicator LIVE  
Distinctiveness Limitation AS TO "OMAHA"  
Statement

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# OMAHA STEAKS

<b>Word Mark</b>	OMAHA STEAKS
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Food kiosk services. FIRST USE: 20110618. FIRST USE IN COMMERCE: 20110618
	IC 043. US 100 101. G & S: Food preparation services; Preparation of food and beverages; Providing of food and drink; Serving of food and drink/beverages. FIRST USE: 20110405. FIRST USE IN COMMERCE: 20110405
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85319059
<b>Filing Date</b>	May 12, 2011
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 16, 2011
<b>Registration Number</b>	4250829
<b>Registration Date</b>	November 27, 2012
<b>Owner</b>	(REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137
<b>Attorney of Record</b>	Denise C. Mazour
<b>Prior Registrations</b>	2840193;3768690;3768691;AND OTHERS

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness**

**Limitation Statement** As to "OMAHA"

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<b>Word Mark</b>	HEARTLAND QUALITY OMAHA STEAKS SINCE 1917
<b>Goods and Services</b>	IC 035. US 100 101 102. G & S: Food kiosk services. FIRST USE: 20110618. FIRST USE IN COMMERCE: 20110618
	IC 043. US 100 101. G & S: Food preparation services; Preparation of food and beverages; Providing of food and drink; Serving of food and drink/beverages. FIRST USE: 20110405. FIRST USE IN COMMERCE: 20110405
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.09.07 - Advertising, banners; Banners 26.03.21 - Ovals that are completely or partially shaded 26.11.21 - Rectangles that are completely or partially shaded
<b>Serial Number</b>	85319082
<b>Filing Date</b>	May 12, 2011
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 16, 2011
<b>Registration Number</b>	4250830
<b>Registration Date</b>	November 27, 2012
<b>Owner</b>	(REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137

**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 2840193;3768690;3768691;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "QUALITY", "STEAKS" AND "SINCE 1917" APART FROM THE MARK AS SHOWN  
**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the words "HEARTLAND QUALITY" appearing within a curved rectangular banner, the words "OMAHA STEAKS" appearing thereunder within a rectangular box having a border and the words "SINCE 1917" appearing thereunder within a semi-circular design.  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness**  
**Limitation** As to "OMAHA"  
**Statement**

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<b>Word Mark</b>	OMAHA STEAKS PRIVATE RESERVE
<b>Goods and Services</b>	IC 029. US 046. G & S: baked potatoes. FIRST USE: 20111004. FIRST USE IN COMMERCE: 20111004
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.11.20 - Rectangles inside one another 26.11.21 - Rectangles that are completely or partially shaded 26.11.25 - Rectangles with one or more curved sides 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape) 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
<b>Serial Number</b>	85361435
<b>Filing Date</b>	July 1, 2011
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 27, 2011
<b>Registration Number</b>	4321575
<b>Registration Date</b>	April 16, 2013
<b>Owner</b>	(REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137

**Attorney of Record** Denise C. Mazour

**Prior Registrations** 2145384;3758608;3799411;AND OTHERS

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN

**Description of Mark** The color(s) burgundy, black, white and taupe is/are claimed as a feature of the mark. The mark consists of the wording "OMAHA STEAKS" in white appearing within a rectangular burgundy box design, having three borders, namely, a white inner border, a black middle border and a white outer border. The wording "PRIVATE RESERVE" in black appears below the rectangular burgundy box design and appears within a fanciful taupe colored banner design. The banner has two borders, the innermost border appearing in white and the outermost border appearing in burgundy. A fanciful white line drawing appears below the wording "PRIVATE RESERVE" and within the banner design.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL-2(F)-IN PART

**Live/Dead Indicator** LIVE

**Distinctiveness Limitation Statement** As to "OMAHA"

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<b>Word Mark</b>	OMAHA STEAKS PRIVATE RESERVE
<b>Goods and Services</b>	IC 029. US 046. G & S: Bacon; beef; beef jerky; beef stick snack foods; bratwurst; cheese; chicken; corned beef; crab cakes; crabs; dips; fish fillets; fish; frankfurters; frozen appetizers consisting primarily of chicken or seafood; frozen entrees consisting primarily of meat, fish, poultry or vegetables; frozen meals consisting primarily of meat, fish, poultry or vegetables; frozen pre-packaged entrees consisting primarily of seafood; frozen vegetables; ham; hash brown potatoes; uncooked hamburger patties; hot dogs; liver; mashed potatoes; meatballs; omelets; packaged meals consisting primarily of meat, fish, poultry or vegetables; pork; potato fries; potato skins; poultry; pre-cut vegetable salad; prepared foods, namely, side dishes and casseroles mainly consisting of vegetables, potatoes, beans or fruit; prepared meals consisting primarily of meat, fish, poultry or vegetables; prepared nuts; processed lamb; processed potatoes; roast beef; salads except macaroni, rice and pasta salads; salmon; sausages; seafood; shellfish; soups; turkey; veal. FIRST USE: 20110930. FIRST USE IN COMMERCE: 20110930
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	24.09.07 - Advertising, banners; Banners 26.11.21 - Rectangles that are completely or partially shaded 26.17.25 - Other lines, bands or bars
<b>Serial Number</b>	85383663
<b>Filing Date</b>	July 28, 2011
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for</b>	

**Opposition** January 3, 2012  
**Registration Number** 4325113  
**Registration Date** April 23, 2013  
**Owner** (REGISTRANT) Omaha Steaks International, Inc. CORPORATION NEBRASKA 11030 "O" Street Omaha NEBRASKA 68137  
**Attorney of Record** Denise C. Mazour  
**Prior Registrations** 2145384;3758608;3799411;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STEAKS" APART FROM THE MARK AS SHOWN  
**Description of Mark** The color(s) burgundy, black, white and taupe is/are claimed as a feature of the mark. The mark consists of the wording "OMAHA STEAKS" in white appearing within a rectangular burgundy box design, having three borders, namely, a white inner border, a black middle border and a white outer border. The wording "PRIVATE RESERVE" in black appears below the rectangular burgundy box design and appears within a fanciful taupe colored banner design. The banner has two borders, the innermost border appearing in white and the outermost border appearing in burgundy. A fanciful white line drawing appears below the wording "PRIVATE RESERVE" and within the banner design.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL-2(F)-IN PART  
**Live/Dead Indicator** LIVE  
**Distinctiveness Limitation Statement** As to "OMAHA"

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